

**UNITED STATES BANKRUPTCY COURT**  
**District of New Jersey**

IN RE: **John A. Purcell**  
**Eileen A. Purcell**

Debtor(s)

Case No.: 16-20558

Judge: \_\_\_\_\_

Chapter: 13

**CHAPTER 13 PLAN AND MOTIONS - AMENDED**

☐ Original

☐ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: \_\_\_\_\_

THE DEBTOR HAS FILED FOR RELIEF UNDER  
 CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The Debtor shall pay 100.00 Monthly to the Chapter 13 Trustee, starting on June 01, 2016 for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Refinance of real property

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion: \_\_\_\_\_

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

## Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_\_ (creditor).

## Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Brian S. Thomas	Attorney Fees	1,700.00

## Part 4: Secured Claims

### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

### b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Nationstar Mortgage	30 Mimosa Road North Cape May, NJ 08204 Cape May County	30,960.00	180,000.00	1st mortgage M&T Bank Mortgage - 198,996.00	No value	N/A	0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Creditor  
M&T Bank Mortgage

**e. Secured Claims to be paid in full through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

**Part 5: Unsecured Claims**

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_\_ Not less than \$ \_\_\_\_ to be distributed *pro rata*

\_\_\_\_\_ Not less than \_\_\_\_ percent

  x   *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

## Part 7: Motions

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
<b>-NONE-</b>							

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
<b>Nationstar Mortgage</b>	<b>30 Mimosa Road North Cape May, NJ 08204 Cape May County</b>	<b>30,960.00</b>

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
<b>-NONE-</b>			

## Part 8: Other Plan Provisions

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) **Other Administrative Claims**

- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-petition claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9 : Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified:.

Explain below <b>why</b> the Plan is being modified. <b>To comply with order approving mortgage modification. No material changes.</b>	Explain below <b>how</b> the Plan is being modified
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Are Schedules I and J being filed simultaneously with this modified Plan? ☒ Yes ☐ No

**Part 10: Sign Here**

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date _____	<u>/s/ Brian S. Thomas</u> <b>Brian S. Thomas</b> Attorney for the Debtor
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I certify under penalty of perjury that the foregoing is true and correct.

Date: _____	<u>/s/ John A. Purcell</u> <b>John A. Purcell</b> Debtor
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Date: _____	<u>/s/ Eileen A. Purcell</u> <b>Eileen A. Purcell</b> Joint Debtor
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**Certificate of Notice Page 6 of 7**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 John A. Purcell  
 Eileen A. Purcell  
 Debtors

Case No. 16-20558-JNP  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
 Form ID: pdf901

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 Total Noticed: 48

Date Rcvd: Jan 18, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 20, 2017.

db/jdb +John A. Purcell, Eileen A. Purcell, 30 Mimosa Drive, North Cape May, NJ 08204-3525  
 516208450 +21st Century Insurance, PO Box 5300, Binghamton, NY 13902-5300  
 516406942 Apex Asset Management, LLC, Cape Regional Medical, PO Box 5407, Lancaster, PA 17606-5407  
 516208452 +Atlanticare Regional Medical Center, PO Box 786361, Philadelphia, PA 19178-6361  
 516386384 +Bayview Loan Servicing, LLC, c/o McCalla Raymer Pierce, LLC, Bankruptcy Department,  
 1544 Old Alabama Road, Roswell, GA 30076-2102  
 516208467 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034  
 (address filed with court: Home Depot, PO Box 182676, Columbus, OH 43218)  
 516208454 +Cape Regional Phys Assoc, PO Box 593, Cape May Court House, NJ 08210-0593  
 516443295 Capital Health Hospitals, c/o CCCB, PO Box 336, Raritan, NJ 08869-0336  
 516208455 +Capital Health System, 750 Brunswick Avenue, Trenton, NJ 08638-4143  
 516208456 +Capital One, PO Box 71083, Charlotte, NC 28272-1083  
 516273998 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
 516208457 +Castello Solar I, PO Box 4387, Portland, OR 97208-4387  
 516208458 +Chase, PO Box 15251, Wilmington, DE 19886-5251  
 516208459 +Citi Cards, PO Box 9001037, Louisville, KY 40290-1037  
 516208460 Comenity - Haband, PO Box 659707, San Antonio, TX 78265-9707  
 516208461 +Comenity - Woman Within, PO Box 659728, San Antonio, TX 78265-9728  
 516286606 +Country Door, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849  
 516208464 +First Premier, PO Box 5524, Sioux Falls, SD 57117-5524  
 516208465 +Genesis Healthcare, 1361 Route 72 West, Manahawkin, NJ 08050-2402  
 516208466 +Gettington.com, PO Box 166, Newark, NJ 07101-0166  
 516208468 +Jefferson University, PO Box 40089, Philadelphia, PA 19106-0089  
 516208469 +Lower Township Rescue, PO Box 89, Villas, NJ 08251-0089  
 516433716 M&T Bank, P.O. Box 840, Buffalo, NY 14244-1288  
 516208471 +M&T Bank Mortgage, PO Box 900, Millsboro, DE 19966-0900  
 516343786 +Midland Funding, LLC, P.O. Box 2011, Warren, MI 48090-2011  
 516208473 +Nationstar Mortgage, PO Box 199400, Dallas, TX 75219  
 516230272 +Nationstar Mortgage LLC, c/o Aldridge Pite LLP, 4375 Jutland Drive, Suite 200,  
 PO Box 17933, San Diego, CA 92177-7921  
 516208474 +ProCo, PO Box 2462, Aston, PA 19014-0462  
 516208475 +Shop Now Pay Plan, PO Box 2852, Monroe, WI 53566-8052  
 516332565 +THE BANK OF NEW YORK MELLON, Nationstar Mortgage LLC, PO Box 619096, Dallas TX 75261-9096  
 516208477 +Thomas Jefferson University Hospital, The Curtis Center, 9th Floor,  
 170 South Independence Square West, Philadelphia, PA 19106-3341

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 18 2017 23:38:24 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jan 18 2017 23:38:22 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 516208451 +E-mail/Text: bankruptcy@pepcoholdings.com Jan 18 2017 23:38:03 Atlantic City Electric,  
 PO Box 13610, Philadelphia, PA 19101-3610  
 516208453 +E-mail/Text: lriley@caperegional.com Jan 18 2017 23:37:47 Cape Regional Medical Center,  
 2 Stone Harbor Boulevard, Cape May Court House, NJ 08210-2138  
 516208462 +E-mail/Text: creditonebknotifications@resurgent.com Jan 18 2017 23:37:34 Credit One Bank,  
 PO Box 98873, Las Vegas, NV 89193-8873  
 516208463 +E-mail/Text: mrdiscen@discover.com Jan 18 2017 23:37:27 Discover, PO Box 71084,  
 Charlotte, NC 28272-1084  
 516220639 E-mail/Text: mrdiscen@discover.com Jan 18 2017 23:37:27 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 516388162 E-mail/PDF: resurgentbknotifications@resurgent.com Jan 18 2017 23:36:03  
 LVNV Funding, LLC its successors and assigns as, assignee of FNBK, LLC,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 516334824 E-mail/PDF: resurgentbknotifications@resurgent.com Jan 18 2017 23:36:02  
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 516208470 +E-mail/PDF: gecsed@recoverycorp.com Jan 18 2017 23:36:40 Lowes, PO Box 530914,  
 Atlanta, GA 30353-0914  
 516208472 +E-mail/Text: aaron.yarber@amgh.us Jan 18 2017 23:38:45 Med Trans, PO Box 708,  
 West Plains, MO 65775-0708  
 516434614 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jan 18 2017 23:43:54  
 Portfolio Recovery Associates, LLC, c/o The Home Depot, POB 41067, Norfolk VA 23541  
 516406772 +E-mail/Text: JCAP\_BNC\_Notices@jcap.com Jan 18 2017 23:38:38 Premier Bankcard, Llc,  
 c o Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-7999  
 516381200 E-mail/Text: bnc-quantum@quantum3group.com Jan 18 2017 23:38:13  
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
 516277022 E-mail/Text: bnc-quantum@quantum3group.com Jan 18 2017 23:38:13  
 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,  
 Kirkland, WA 98083-0788  
 516321159 E-mail/Text: bnc-quantum@quantum3group.com Jan 18 2017 23:38:13  
 Quantum3 Group LLC as agent for, Sadino Funding LLC, PO Box 788,  
 Kirkland, WA 98083-0788

District/off: 0312-1

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 48

Date Rcvd: Jan 18, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516208476 +E-mail/PDF: gecsed@recoverycorp.com Jan 18 2017 23:35:55 Synchrony Bank/Walmart,  
PO Box 965024, Orlando, FL 32896-5024

TOTAL: 17

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 20, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 17, 2017 at the address(es) listed below:

Brian S. Thomas on behalf of Debtor John A. Purcell brian@brianthomaslaw.com  
Brian S. Thomas on behalf of Joint Debtor Eileen A. Purcell brian@brianthomaslaw.com  
Charles G. Wohlrab on behalf of Creditor THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as Trustee for CWHEQ Home Equity Loan Asset Backed Certificates, Series 2006-S4  
cwohrlab@logs.com, njbankruptcynotifications@logs.com  
Denise E. Carlon on behalf of Creditor M&T BANK dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,  
summarymail@standingtrustee.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com

TOTAL: 6